[Mr. Kayalam Paramesvaran Pillai.]

valuable objects of great historical interest are being subjected to vandalism in the country. Government feel that, without suitable legislation, it will be impossible to preserve these articles in their purity.

The Bill has been drafted on the lines of the corresponding British Indian enactment. I may also inform the House that there is a similar enactment in Mysore. I think Cochin also has a statute of a similar nature. I commend the Bill for the acceptance of the House.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I have great pleasure n supporting this Bill.

The question that the principle of the Bill be accepted by the House was put to vote and carried.

The Secretary then read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill be referred to a Select Committee consisting of —

Messrs. T. K. Velu Pillai.
P. K. Narayana Pillai,
S. Paramesvara Aiyar,
S. Padmanabha Menon,
J. S. Jayantan Nampootiri,
K. Sankaran,
S. J. Nair,
K. P. Krishna Menon,
M. Sivatanu Pillai,
A. Easwara Pillai (*Kottarakara*),
T. K. Alexander, and
N. E. Varughese.

to report within four months.

MR. K. M. KURIAKOSE (*Moovattupuzha II*): I would suggest the name of Mr. P. C. Kurien also.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I second it.

The motion, as amended by Mr. Kuriakose, was put to vote and carried.

THE TRAVANCORE BOILERS BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Travancore Boilers Bill, as passed by the Sri Chitra State Council, be passed. Sir, when on a previous day in this session, I made this same motion, namely, that the Bill, as passed by the Sri Chitra State Council, be passed into law, a point was raised that, in the Short Title of the Bill the year mentioned is 1110 and that, as we are now in the year 1111, it may not be right to pass the Bill with this short title. I then pointed out, Sir, that it was after all only a short title, a mere name or symbol and that it did not really matter much by what name we call it and whether we call it a crore or

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aswan, the Bill would be equally operative as law. Anyhow, in pursuance of a suggestion from the House, I agreed to postpone my motion in order to consider the matter. Sir, I am glad that I agreed to do so. Because, in this interval I have been able to make a research and I am now able to refer the House to many instances of Bills passed by other Legislatures with short titles containing a previous year. I shall first refer to a Bill passed by the Council of State as it is quite illustrative of the points now raised and as this same point was specifically raised there.

The Child Marriage Restraint Bill popularly known as Sarda Bill and which became Act XIX of 1929, contained the year 1928 in the Short Title, which was the Child Marriage Restraint Act 1928. With this Short Title, the Bill was passsd in the Assembly in 1929 and again by the Council of State in 1929. In the Second Chamber, the question was specifically raised, as now in respect of the Boilers Bill, and an amendment was moved, to substitute the year 1929 for 1928 in the Short Title, by an honourable member in the Council. Sir, I find that thereupon the Government member gave exactly the same reply as I did the other day, that the short title was a mere name and the year did not matter seriously. The Government member was Mr. L.Graham.

I am reading from the Council of State Debates of 28th September 1929:--

> "The Honourable Mr. L. Graham (Secretary, Legislative Department):
> Sir, I am tempted to deal with the Honourable Member's amendment in one sentence by saying 'what's in a name?' This is merely, Sir, the Short Title of the Bill, and though we must admit that in another place there was this small omission, that is to say, although when the Select Committee reported on the Bill they very properly inserted the date 1928, expecting that the Bill would be passed in that year, when the time came for making the final motion on the Bill it was not observed by the Honourable Member in charge and consequently that small amendment was not made. But, as I have said, whether that amendment is made or not, the effect of the operation of the Act is entirely unaffected. If the Honourable Member is very gravely concerned for the purity of our Statute-book, I may reassure him by telling him that I shall probably bring forward next Session a general Repealing and amending Bill,—in which this small provision might be included. But, Sir, there is absolutely no occasion for this House at this stage to make an amendment in this Bill and thereby delay the passing of the Bill."

Referring to the inevitable delay that will ensue in the passing of the Bill, an Honourable Member who was in support of the Bill, complained bitterly about the amendment and charged the mover of the amendment with adopting a device to delay the Bill because he disliked it.

This is what the member, the Honourable Sir Maneckji Dadabhoy, said in reply to the motion for amending the year 1928 into 1929:

> "Sir, the object of this amendment to my mind is quite clear. This game of fault-finding is only done with the object of delaying and postponing the passing of this measure to-day. My Honourable friend Mr. Graham has very carefully explained that this is not going to affect Bill so far as the operative part of it is concerned. This Bill will come into force on the 1st of April 1930, and whether the year in the Short Title remains 1928 or is made 1929, that does not really affect the merits of the case. Under these circumstances, I think it is

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[Kayalam Parameswaran Pillai.]

not necessary to make this amendment as it would involve remitting the Bill to the Legislative Assembly which will not be able to take it up till the next winter session, with the result that there will be great delay in the passing of this most useful measure."

Eventually the motion to amend the Short Title was put to vote and lost, only 8 voting for the motion and as many as 21 against it. There was of course no question of order. There was only an amendment which was put to the House and lost and eventually, the Bill with the Short Title containing the previous year 1928 was passed by the Council and it subsequently became law with that Short Title.

Sir, no doubt it has to be admitted that, for elegance of drafting, and perhaps grace of style, the actual year of the passing of the Bill must be mentioned in the Short Title, and not any other year. Perhaps, to be more correct, the year of the Bill becoming *law* must be mentioned in the Short Title. But this, of course, is not in the power of this Chamber as a Bill can become law only on receiving Royal assent. However, it may be urged that we may at least put the year in which the Bill is passed by this Chamber. But we must remember that what we really want is the law, a law that would operate as we intend. Remembering that, we must reckon with the actual conditions. We must remember that once we make this amendment here, however small it may be, the Bill will have to go back to the other Chamber for the amendment being accepted. And that means delay. It may perhaps be easy for Government to get a near day and put the Bill again before the other Chamber for the acceptance of the amendment. If this principle of the Short Title amendment is accepted, what will become of similar non-official Bills. The non-officials may not be able to get a day as they desire and the result will be that their Bills will be delayed and perhaps never will be finally passed. As a matter of fact, in the case of the Child Marriage Restraint Bill, the amendment was opposed in the Council on this ground of delay. It was even criticised as a device to delay the passing of the Bill. One member, the honourable Mr. Maneckji Dadabhai, made a very bitter attack on the amendment, as the House must have noticed from his speech which I read to the House just now.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What was the President's ruling?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There was no question of ruling. There is no question of order. Whatever may be the Short Title, no Rule or Standing order of this House will be violated. It is only a question of grace in drafting. And so an amendment was moved and not an objection raised on a point of order. The amendment, as I said a little while ago, was voted down, 8 only voting for it and 21 voting against it.

Any amendment may be moved here too. The Short Title was passed at the second reading. As we are at the third reading, the non-officials can move amendments only with the permission of the Dewan. The Dewan has been informed of this matter and he has informed the

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Deputy President that he, the Dewan, permits any amendment moved on this particular point.

I may also say that recently, when the Provident Insurance Societies Amendment Bill was passed, it was passed in 1110. It received Royal assent only in 1111 and so become a Regulation only in 1111. I can quote several other instances.

In Madras, the Indian Fisheries (Madras) Amendment Act 1927 was passed by the Council in 1927 and become Act in 1929, II of 1929. It became an Act only in 1929 although the Short Title styled the Act as of the year 1927. Again take the Malabar Tenancy Act, Act IV of 1930. It was a bill passed by the Madras Council in 1930 and had the year 1929 in the Short Title, the Malabar Tenancy Act, 1929.

Again, there are a number of Acts having one year in the Short Title and having become an Act only in the subsequent year. I have a list of some of them with me here. I can read it if required.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): In all those cases, were the Acts passed by the legislature in that year itself?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. For instance, the Malabar Tenancy Act was passed by the Legislative Council only in 1930, though the Short Title bears the year 1929. It was passed by the Council on 21-1-1930.

After all, what we want is the substance and not a mere form. Grace and purity may be improved on some other occasion, say, by an amendment Regulation. That will not delay the progress of the Bill or obstruct the operation of the law. The law will be operating with the Short Title as it is, and we can take any length of time in amending it and the whole of the law as passed will be operating without a hitch.

I therefore move that the Bill be passed with the Short Title as it is. As said before, if any honourable member wants to move an amendment, he may do so. The requisite permission of the Dewan is available for it. I have been careful to get that. Only, I do not want to move an amendment myself: for, I cannot take the responsibility of creating a precedent which would necesarily delay the passing of Bills and which may certainly be made use of as a device for delaying Bills, particularly non-official Bills. But any non-official member may move it and the House may accept knowing full well what it does. I am in the hands of the House.

DEPUTY PRESIDENT: You were referring to certain instances. Were those measures originally introduced in one House and did they subsequently go to the other House?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. Quite so. That was the case with the Sarada Bill, Sir. Let me repeat that, if any honourable member wants to move an amendment, he may do so and I leave myself entirely in the hands of the House.

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MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

DEPUTY PRESIDENT: I have been listening to the very learned arguments advanced by the Law Member. The question arose some days back; and I have been reflecting upon that and studying the authorities. I am constrained to say that I cannot agree to what is proposed to be done by the Law Member who has placed before the House the necessity of enacting the law without any delay. He has, however, no objection to postpone the further consideration of the Bill. But on the point of law involved in this question, Mr. Paramesvaran Pillai has tried to support his position with a few authorities which the House heard read.

A Bill becomes a Regulation only on passing through both the Chambers of the Legislature and receiving the Royal assent in addition. In the present case, the Bill originated in the Sri Chitra State Council and has come to the Assembly. It is only now that it is discovered that there is a difficulty in chronology. The Bill, when it becomes a Regulation, can be a Regulation of 1111 only and not of 1110, as it was expected to be when the Bill was introduced into the Council and passed through it. Each House of the Legislature is naturally jealous of its privileges. And I apprehend that this House will be over-riding settled rules of law and practice, if we effect any change, large or small, without informing the other House of it and obtaining their consent. The principle is the same whether the amendment is reasonable or unreasonable, substantial or merely consequential. "It is contrary to the constant method and proceedings in Parliament to strike out anything in a Bill which had been fully agreed and passed by both Houses." This rule was enunciated by the Commons at a Conference in 1678. It is cited with approval by Campion in his *Introduction to the Procedure of the House of Commons*. This is supported by the authority of May. That learned writer says:

> "So binding indeed has it been held that in 1850 a serious oversight as to the commencement of the Act having been discovered in the Pirates' Head Money Bill before the Lords' amendment had been agreed to, no attempt was made to correct it by way of amendment, but a separate Act was passed for the purpose."

The respective rights and duties of both the Houses of the Travancore Legislature are regulated by statute and the Rules passed thereunder. On no account can those rules be disregarded or whittled down. This House has a duty to maintain those rules intact and observe them in all its acts. The Law Member has sounded a note of warning that, if any change is effected at this stage, the Bill will have to be sent again to the Council for their confirmation. He has also placed before this House a few precedents in British India, from the Madras Council and the Indian Assembly. I do not think, that when there is an authority to the contrary in the procedure of the Mother of Parliaments, we should prefer the rulings in the Indian Legislative Assembly in which the point did not really arise or was not specifically decided.

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The facts of the case and the circumstances under which the ruling was given have also to be considered. The reference to the proceedings of the Madras Council does not help us because, in Madras, there is only a unicameral Legislature.

What is said to be a rule in Ceylon is of doubtful value to us here. I think the House will not be willing to borrow lessons in constitutional law from Ceylon where the Legislature depends on an Order-in-Council, a legislature with very much lesser powers than the British Indian Legislature which has been brought into existence by an Act of Parliament. According to the British constitution, the Government of a Colony like Ceylon has got lesser rights in law than British India. The Governor and the Legislature in a Colony like Ceylon have powers which are more limited than those of the Governor-General and the Houses of Legislature in British India. In these circumstances, I do not think it will be proper for me to follow what is said to be done in Ceylon.

It has been now pointed out to me that the Dewan would have no objection to give his permission contemplated in Standing Order 46 sub-order (4). It runs as follows :

> " At this stage of the motion for passing the Bill, and prior to the making of the motion, the Assembly shall consider the amendments, if any, moved on behalf of Government. No amendments other than those connected with the amendments moved on behalf of Government shall, without the special permission of the Dewan, be brought up for consideration at this stage ".

While respecting the powers vested in the Dewan by the Regulation and the Rules, I think this is a matter in which I, occupying the Chair, must take my own view. The Government does not move any amendment. And no member of the House has stood up to move the amendment. Nor does it appear that any member has, on request made to the Dewan, obtained such permission. I, therefore, decide the point against what is contended for by the Law Member. We shall not be in order if we continue the discussion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : So my motion is ruled out ?

DEPUTY PRESIDENT : Yes. The motion that the Bill be passed into law is ruled out.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I did not move any amendment. I only moved that the Bill be passed as it stands, without any amendment.

DEPUTY PRESIDENT : I rule out the motion because it means an infringement of the rights of the other House. We shall proceed to the next item of business.

THE TRAVANCORE REGISTRATION REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I beg to present the report of the Select Committee on the Travancore Registration Regulation (Amendment) Bill and beg to move that the Bill as reported be taken into consideration.

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